

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

1:10-cv-144

JOSHUA BAILEY and AMANDA)	
BAILEY, both individually and as)	
executors of the Estate of HAIDEN)	
WILLIAM BAILEY,)	
)	
Plaintiffs,)	
)	<u>ORDER</u>
vs.)	
)	
CORETRANS, LLC, DOMTAR PAPER)	
COMPANY, LLC, DOMTAR INDUSTRIES,)	
INC., DOMTAR INC., DOMTAR)	
CORPORATION, PEOPLEASE)	
CORPORATION, N&W HOLDINGS, LLC,)	
C.H. ROBINSON WORLDWIDE, INC.,)	
and C.H. ROBINSON COMPANY,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction.

The defendants Coretrans, LLC, Domtar Paper Company, LLC, Domtar Industries, Inc., Domtar Corporation, and Peoplease Corporation removed this action from state court based upon diversity jurisdiction (#1). In the Complaint, plaintiffs' allege that defendant Coretrans, LLC is a corporation organized under the laws of the state of Kentucky, Domtar Paper Company, LLC is described as a

corporation organized under the laws of the state of Delaware, N&W Holdings, LLC is described as a corporation organized under the laws of the state of Kentucky.

Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). A limited liability company is a citizen of all states in which its constituent members are citizens.

Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The defendants have not disclosed in their Notice of Removal whether they have constituent members or partners and therefore will be required to do so.

IT IS, THEREFORE, ORDERED that on or before April 8, 2011, the defendants shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the above referenced LLC's, and, for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: March 25, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

